

REMARKS

Applicant gratefully acknowledges the courtesies extended to Applicant's representatives during the August 18, 2003 telephone interview. Per 37 CFR § 1.133, Applicants respectfully submit the following Statement of Substance of Interview:

Applicant's representatives and Examiner Sharareh discussed possible claims amendments to overcome art of record. Applicant's representatives also requested reconsideration of previously withdrawn, non-elected claims. Examiner Sharareh agreed to reconsidered such claims.

Claims 1-76 are pending in the application. By this Amendment, claims 1-47, 49, 56-58, 63-65 and 70-72 are canceled without prejudice or disclaimer and independent claim 48 is amended. No new matter is added by this Amendment. Applicant respectfully requests that reconsideration in view of the foregoing Amendment and the following remarks.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout the prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

The Office Action also rejects claims 1-5, 20, 24, 26, 28, 30, 34-35, 42-44, 48, 63, 66, 70 and 73 under 35 U.S.C. § 103(a) over Kuroda et al. (JP 58-140013) in view of Grollier et al.

(U.S. Pat. No. 4,767,618) and Venkitaraman et al. (U.S. Pat. No. 5,871,762). The Office Action also rejects claims 1-11, 20-21, 24, 26, 28, 30, 32, 34-35, 38-39, 42-44, 48, 56, 59, 63, 66, 70 and 73 under 35 U.S.C. § 103(a) over Kuroda et al. in view of Grollier et al. and Venkitaraman et al. and further in view of Grollier et al. (U.S. Pat. No. 4,880,621), Chodosh (U.S. Pat. No. 5,661,170), Briggs et al. (U.S. Pat. No. 5,871,754) and Yamanaka et al. (U.S. Pat. No. 5,176,916). By this Amendment, 1-11, 20-21, 24, 26, 28, 30, 32, 34-35, 38-39, 42-44, 56, 63 and 70 are cancelled without prejudice or disclaimer. Independent claim 48, from which claims 59, 66 and 73 depend, has been amended as discussed below and is believed to be in condition for allowance.

The Office Action indicates that claims 49-55, 60-62, 67-69 and 74-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

By this Amendment, independent claim 48 is amended to include the features of dependent claim 49. Thus, it is respectfully submitted that independent claim 48 and dependent claims 59, 66 and 73 are in condition for allowance.

The Office Action also objects to independent claims 50, 52 and 54 as “being dependent upon a rejected base claim.” Applicant notes, however, that these claims were filed (and continue to be) in independent form and, therefore, are not properly objected to as being dependent upon a rejected base claim. Thus, Applicant submits that these claims, and the corresponding dependant claims, are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully requests the reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: October 4, 2004

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